HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No.276 of 2007

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Between:

Samala Malla Reddy …Appellant

And

Government of Andhra Pradesh,
represented by its Principal Secretary,
Agriculture & Co-operation (Mktg.I) Department,
Secretariat, Hyderabad and others. ….Respondents.

:: J U D G M E N T ::

Counsel for the appellant : Sri P. Gangaiah Naidu,
Senior Advocate, assisted by
Sri B. Ramakrishna.

5th April, 2007

Per G.S. SINGHVI, C.J.

This is an appeal for setting aside order dated 23-2-2007 passed by the learned Single Judge, whereby he dismissed the writ petition

filed by the appellant for quashing notification dated 2-1-2007 issued by the Government of Andhra Pradesh, Marketing Department for constitution of Agricultural Market Committee, Bowenpally.

The appellant is an agriculturist. He owns Ac.6.20 guntas of land in different survey numbers at Dummaiguda Village, Malkajgiri Mandal, Ranga Reddy District. He along with Sri K. Sailu filed the writ petition for quashing notification dated 2-1-2007 on the ground that the same is ultra vires the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 (for short, 'the Act').

Sri K. Sailu withdrew the writ petition on 15-2-2007. thereafter, the learned Single Judge passed the impugned order and dismissed the writ petition by observing that the petitioner, who hails from Malkajgiri, is not affected by the constitution of the Market Committee for Bowenpally.

Sri P. Gangaiah Naidu, Senior Advocate appearing for the appellant referred to notification dated 27-4-2005 issued by the State Government under Section 3(1)(2) and (4)(c) of the Act and G.O.Ms.No.340, Agriculture & Co-operation (Marketing.I-2) Department dated 25-9-2005 and argued that non-inclusion of Malkajgiri in the notified market area of either of the three market committees, which were created by trifurcating Agricultural Market Committee, Hyderabad is an accidental omission and the learned Single Judge committed a serious error by non-suiting the appellant on the ground that Malkajgiri does not form part of the notified area of Agricultural Market Committee, Bowenpally.

We have considered the argument of the learned counsel, but have not felt impressed. Rather, we are in complete agreement with the learned Single Judge that the appellant does not have the locus to challenge the constitution of Market Committee, Bowenpally.

A reading of notification dated 27-4-2005 shows that in furtherance of the policy decision taken by the State Government, the notified area of Agricultural Market Committee, Hyderabad was

trifurcated and separate Agricultural Market Committees were constituted at Bowenpally, Gaddiannaram and Hyderabad. The notified area of Agricultural Market Committee, Bowenpally consists of Musheerabad, Marredpalli, Secunderabad, Tirumalgiri and Balanagar Mandals. The notified area of Agricultural Market Committee, Gaddi Annaram comprises of Uppal, Saroornagar, Ghatkesar and Hayathnagar Mandals and the notified area of Agricultural Market Committee, Hyderabad consists of Asif Nagar, Khairatabad, Ameerpet, Bahadurpura, Golconda, Shaikpet, Amberpet, Bandlaguda, Nampally, Charminar, Saidabad and Himayathnagar Mandals. Malkajgiri Mandal is not included in the notified area of either of the three market committees. Therefore, the appellant, who is a resident of Dummaiguda, Malkajgiri Mandal, and who is not going to be adversely affected by the constitution of Agricultural Market Committee, Bowenpally, does not have the locus to challenge notification dated 2-1-2007.

Before concluding, we may mention that the appellant has not questioned the legality of notification dated 27-4-2005 and G.O.Ms.No.340, dated 25-9-2005 and, therefore, we have not expressed any opinion on the question whether the exclusion of Malkajgiri Mandal from the notified areas of the three Agricultural Market Committees is ultra vires the provisions of the Act or is otherwise arbitrary and violative of the rights of the residents and those engaged in the sale and purchase of agricultural produce and livestock.

In the result, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP. No.525 of 2007 filed by the appellant for suspending the operation of G.O.Ms.No.1, Agriculture & Co-operation (Marketing.I-2) Department, dated 2-1-2007 is disposed of as infructuous.

G.S.SINGHVI, C.J.

5th April, 2007

C.V.NAGARJUNA REDDY, J.

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